

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) Case No. 4:06CR00337 CEJ (MLM)
vs.)
)
DAVID CARRUTHERS,)
)
Defendant.)

DEFENDANT DAVID CARRUTHERS' MOTION TO TRAVEL

COMES NOW Defendant, David Carruthers ("Carruthers"), by and through counsel, Gilbert C. Sison, and moves this Court for permission to travel outside the Eastern District of Missouri. In support of said motion, Carruthers states as follows:

1. On or about August 16, 2006, Carruthers was released on a \$1,000,000 secured bond pending trial.
2. Carruthers was also ordered to participate in the electronic monitoring program, which required home incarceration. With respect to his home incarceration, Carruthers was, at first, required to remain at his residence at all times except for medical needs, religious services, attorney meetings and court appearances. During the pendency of this case, however, the Court has steadily increased the time that Carruthers could spend away from his residence during any given day. This was due in large part to Carruthers' strict compliance with his conditions of release. Indeed, to date, and to the undersigned's knowledge, Carruthers has not violated any of his stated conditions of release.
3. As part of his conditions of release, Carruthers was furthermore ordered to surrender his passport, which he has done. Carruthers was also ordered to remain within the

Eastern District of Missouri.

4. Carruthers now seeks permission to travel outside the Eastern District of Missouri for purposes of competing in a marathon in San Antonio, Texas.

5. By way of background, Carruthers has bided his time constructively by rekindling his interest in running. After more than three decades, Carruthers took up running again as a means of increasing his then moderate exercise regime and to provide him with new goals and challenges to meet. Since then, Carruthers has competed in several marathons, including one in Memphis, Tennessee, last year, where the Court granted Carruthers permission to travel outside of the district.

6. Carruthers wishes to compete in a charity marathon in San Antonio, Texas, sponsored by the Leukemia and Lymphoma Society. The race is to take place on November 15, 2009. Carruthers proposes to travel on November 14 from St. Louis to San Antonio and to return on November 16, 2009.

7. Because of the geographical distance between San Antonio and St. Louis, Carruthers hopes to travel by air to San Antonio, Texas. This would require the return of Carruthers's passport for the limited purpose of flying to San Antonio, as a non-U.S. citizen must have some sort of government issued identification to travel by air.

8. Counsel for Defense has discussed this complication with Assistant United States Attorney, Steve Holtshouser. Mr. Holtshouser has no objections to the return of Carruthers' passport for this limited purpose, nor does he have any objections to his motion to travel. Upon his return to St. Louis, Carruthers will immediately surrender his passport back to the district court clerk.

9. If the Court grants permission for him to travel and participate in this race, Carruthers will provide any information that may be required to the United States Pre-trial Services office, including hotel information, race bookings, flight information and registration confirmations. Carruthers is also willing to call in at prescribed times and subject himself to any other conditions that the Court or the U.S. Pre-trial Services office deems appropriate.

WHEREFORE, Defendant respectfully requests this Court enter an Order granting him permission to travel outside the Eastern District of Missouri, and for such other and further relief that the Court deems just and proper.

Dated: October 18, 2009.

Respectfully submitted,

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

By: /s/Gilbert C. Sison
N. SCOTT ROSENBLUM, #4206
GILBERT C. SISON, #497754
120 S. Central Avenue, Suite 130
Clayton, Missouri 63105
Telephone: (314) 862-4332
Facsimile: (314) 862-8050
E-mail: gsison@rsrglaw.com

Attorneys for Defendant, David Carruthers

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CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2009, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Assistant United States Attorneys, Steven E. Holtshouser, Steven A. Muchnick, John M. Bodenhausen and all other counsel of record.

Defendant David Carruthers' Motion to Travel

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By: /s/Gilbert C. Sison
N. SCOTT ROSENBLUM, #4206
GILBERT C. SISON, #497754
120 S. Central Avenue, Suite 130
Clayton, Missouri 63105
Telephone: (314) 862-4332
Facsimile: (314) 862-8050
E-mail: gsison@rsrglaw.com

Attorneys for Defendant, David Carruthers